

APPEAL NO. 030709  
FILED MAY 6, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 18, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_, and did not have disability. The claimant appeals this decision and asserts that the hearing officer abused her discretion in admitting evidence over his objection. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The claimant argues on appeal that the hearing officer erred in admitting Carrier's Exhibit No. 12, a surveillance report containing the claimant's criminal history, on the grounds of relevancy and because it was not admitted in conformity with TEX. R. CIV. EVID. Sec. 609. Section 410.165 provides that conformity to the Texas Rules of Evidence is not necessary and, additionally, it is well settled that the credibility of a claimant, as an interested party, is always in issue at a CCH. Texas Workers' Compensation Commission Appeal No. 931004, decided December 14, 1993. We find no abuse of discretion in the hearing officer's admission of Carrier's Exhibit No. 12.

Whether the claimant sustained a compensable injury and had disability are factual questions for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). Nothing in our review of the record indicates that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **SERVICE LLOYDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH KELLY-GRAY, PRESIDENT  
6907 CAPITOL OF TEXAS HIGHWAY NORTH  
AUSTIN, TEXAS 78755.**

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Chris Cowan  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge